

REMARKS

Claims 1-83 are pending in the instant application. Claims 2-23, 28-37, 40-66, and 69-80 are cancelled without prejudice or disclaimer. Claims 1, 17, 24, 26, 30, 38, 39, and 81-83 are amended. Claims 84 and 85 are new. Accordingly, claims 1, 17, 24-27, 30, 38-39, 67-68, and 81-85 are pending upon entry of this amendment.

Support for the amendments to claims can be found throughout the specification and claims, as originally filed and are discussed in detail herein. Amendment to claim 67 is to correct the dependency of the claim by the cancellation of claim 66. No new matter is added by the amendments.

Amendment and cancellation of the claims herein are not to be construed as an acquiescence to any of the rejections/objections made in the instant Office Action or in any previous Office Action, and were done solely to expedite prosecution of the application. Applicants hereby reserve the right to pursue the claims as originally filed, or substantially similar claims in one or more subsequent patent applications.

Claim Objections

Applicant thanks the Examiner for the withdrawal of the objection of claims 30 and 82, as stated in the Office Action of May 26, 2009, at page 2.

Applicants have cancelled claim 80 without prejudice or disclaimer, thereby rendering the objection moot as to the claim.

The Examiner has objected to Claim 1 for reciting “an ezrin modulating agent”. Applicants respectfully submit, however, that Claim 1’s recitation of “an ezrin modulating agent that decreases ezrin activity” corresponds to the methods of decreasing ezrin activity.

The Examiner has objected to Claims 24-27, 38-39, 66-68, and 81-83 for depending from rejected base claims.” This objection is addressed herein in the section entitled “Allowable Subject Matter.”

Claim Rejections – 35 U.S.C. §112, ¶1

Applicants thank the Examiner for the withdrawal of the rejection of claims 1-3, 8-9, 11-13, 17-19, 21, 24-27, 30-34, 36-42, 66-68, and 75-83 for alleged lack of enablement based on the arguments presented in the prior response.

Claim Rejections – 35 U.S.C. §102

Claims 1-3, 8-9, 11-13, 17-19, 21, 30-34, 36-37, 40-42, and 75-80 rejected under 35 U.S.C. §102(b) as allegedly anticipated by Shibata et al. (Circulation, 2001 (Jan 16), Vol 103, p. 284-289; “Shibata”). Applicants have cancelled claims 2, 3, 8-9, 11-13, 17-19, 21, 31-34, 36-37, 40-42, and 75-80 without prejudice or disclaimer, thereby rendering the rejection moot as to those claims.

Regarding claims 1, 17, and 30, Applicants respectfully disagree and traverse the rejection. Claims 1, 17, and 30 have been amended to incorporate the features of previously presented claim 66, which the Examiner has indicated would be allowable but for being dependent from rejected claims 1, 17, and 30. Thus, Applicants respectfully submit that claims 1, 17, and 30, as currently amended, are allowable.

Accordingly, Applicants request reconsideration and withdrawal of the rejection of claims 1, 17, and 30 under 35 U.S.C. §102(b).

Allowable Subject Matter

Applicants thank the Examiner for indicating to Applicants that claims 24-27, 38-39, 66-68, and 81-83 contain allowable subject matter. As stated in the Office Action on page 6:

Claims 24-27, 38-39, 66-68, and 81-83 are objected to for being dependent from rejected base claims, but would otherwise be allowable if written in independent form to include all of the limitations of the base claim(s).

In no way acquiescing to any of the rejections/objections made in the instant Office Action or in any previous Office Action and in order to expedite prosecution, Applicants have amended the claims to conform to the subject matter that the Examiner has indicated is allowable. Specifically, Applicants have amended claims 1, 17, and 30 (to incorporate the features of previously presented claim 66); claim 24 (to incorporate the features of previously presented claim 17); claim 26 (to incorporate the features of previously presented claim 1); claim 38 (to incorporate the features of previously presented claims 30, 31, 36, and 37); claim 39 (to incorporate the features of previously presented claims 30, 31, and 36); claim 81 (to incorporate the features of previously presented claim 1); claim 82 (to incorporate the features of previously presented claims 18 and 21), and claim 83 (to incorporate the features of previously presented claim 30), thereby overcoming the objection. Claims 84 and 85 are new. Claim 84 incorporates the features of previously presented claims 17 and 26. Thus, the claims have been amended to include the features of the base claims and to correspond in scope to claims 24-27, 38-39, 66-68, and 81-83, which the Examiner has indicated would be allowable with the features of the base claims. In view of these amendments, withdrawal of the rejections/objections against them is respectfully requested.

Except for claims 1, 17, 24-27, 30, 38-39, 67-68, and 81-85, the remaining pending claims (i.e., claims 2-23, 28-37, 40-66, and 69-80) are cancelled without prejudice or disclaimer, thus paving the way for allowance of this application with claims 1, 17, 24-27, 30, 38-39, 67-68, and 81-85 presented herein.

CONCLUSION

In view of the foregoing, Applicants respectfully request reconsideration and withdrawal of all rejections and allowance of the application with claims 1, 17, 24-27, 30, 38-39, 67-68, and 81-85 presented herein. In advance of the issuance of a final Office Action, Applicants invite the Examiner to call the undersigned at the telephone number indicated below to schedule an interview.

Applicants believe that no other fees are due to consider the present amendment. Nevertheless, the Director is hereby authorized to charge or credit any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. **04-1105**, under Order No. 58098 (71417).

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Respectfully submitted,

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